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HOUSE BILL 716

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO MOTOR VEHICLE FEES; INCREASING ADMINISTRATIVE SERVICE FEES; INCREASING DISTRIBUTIONS FROM THE MOTOR VEHICLE SUSPENSE FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-2-16 NMSA 1978 (being Laws 1978, Chapter 35, Section 20, as amended) is amended to read:

"66-2-16. ADMINISTRATIVE SERVICE FEES-- COLLECTION-- REMITTANCE-- PAYMENT-- OPTIONAL SERVICE FEES-- APPROPRIATION. --

A. The secretary is authorized to establish by rule [~~or regulation~~] a schedule of administrative service fees to be collected by the agents or department to defray the costs of operation of the agents' or department's offices and of rendering service to the public. Fees shall be [~~fifty cents (\$ .50)~~] one dollar (\$1.00) for each item or transaction or

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1 service performed by the agent or department for the secretary  
2 and shall be collected in addition to all other fees and taxes  
3 imposed.

4 B. All sums collected by an agent or the department  
5 as administrative service fees shall be remitted as provided in  
6 Section 66-2-15 NMSA 1978.

7 C. Administrative service fees remitted by  
8 department employees shall be deposited by the state treasurer  
9 into the motor vehicle suspense fund and distributed in  
10 accordance with Section 66-6-23 NMSA 1978.

11 D. Notwithstanding the provisions of Subsections A  
12 through C of this section, no class A county with a population  
13 exceeding three hundred thousand or municipality with a  
14 population exceeding three hundred thousand within a class A  
15 county designated as an agent pursuant to Section 66-2-14.1  
16 NMSA 1978 shall be paid an administrative service fee.

17 E. The secretary is authorized to establish by  
18 [~~regulation~~] rule fees to cover the expense of providing  
19 additional services for the convenience of the motoring public.  
20 Any service established for which a fee is adopted pursuant to  
21 this subsection shall be optional, with the fee not being  
22 charged to any person not taking advantage of the service.  
23 Amounts collected pursuant to this subsection are appropriated  
24 to the department for the purpose of defraying the expense of  
25 providing the service.

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1 F. The secretary shall review, at the end of each  
2 fiscal year, the aggregate total of motor vehicle transactions  
3 performed by each municipality, county or fee agent operating a  
4 motor vehicle field office, and identify each office exceeding  
5 ten thousand aggregate transactions per year."

6 Section 2. Section 66-6-23 NMSA 1978 (being Laws 1978,  
7 Chapter 35, Section 358, as amended) is amended to read:

8 "66-6-23. DISPOSITION OF FEES. --

9 A. After the necessary disbursements for refunds  
10 and other purposes have been made, the money remaining in the  
11 motor vehicle suspense fund, except for remittances received  
12 within the previous two months that are unidentified as to  
13 source or disposition, shall be distributed as follows:

14 (1) to each municipality, county or fee agent  
15 operating a motor vehicle field office:

16 (a) an amount equal to [~~six dollars~~  
17 ~~(\$6.00)] eight dollars (\$8.00) per driver's license and [~~three~~  
18 ~~dollars (\$3.00)] five dollars (\$5.00) per identification card  
19 or motor vehicle or motorboat registration or title transaction  
20 performed; and~~~~

21 (b) for each such agent determined by  
22 the secretary pursuant to Section 66-2-16 NMSA 1978 to have  
23 performed ten thousand or more transactions in the preceding  
24 fiscal year, other than a class A county with a population  
25 exceeding three hundred thousand or any municipality with a

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1 population exceeding three hundred thousand that has been  
2 designated as an agent pursuant to Section 66-2-14.1 NMSA 1978,  
3 an amount equal to one dollar (\$1.00) in addition to the amount  
4 distributed pursuant to Subparagraph (a) of this paragraph for  
5 each driver's license, identification card, motor vehicle  
6 registration, motorboat registration or title transaction  
7 performed;

8 (2) to each municipality or county, other than  
9 a class A county with a population exceeding three hundred  
10 thousand or a municipality with a population exceeding three  
11 hundred thousand designated as an agent pursuant to Section  
12 66-2-14.1 NMSA 1978, operating a motor vehicle field office, an  
13 amount equal to [~~fifty cents (\$.50)~~] one dollar (\$1.00) for  
14 each administrative service fee remitted by that county or  
15 municipality to the department pursuant to the provisions of  
16 Subsection A of Section 66-2-16 NMSA 1978;

17 (3) to the state road fund:

18 (a) an amount equal to the fees  
19 collected pursuant to [~~Section~~] Sections 66-7-413 and  
20 66-7-413.4 NMSA 1978;

21 (b) an amount equal to the fee collected  
22 pursuant to Section 66-3-417 NMSA 1978;

23 (c) the remainder of each driver's  
24 license fee collected by the department employees from an  
25 applicant to whom a license is granted after deducting from the

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1 driver's license fee the amount of the distribution authorized  
2 in Paragraph (1) of this subsection with respect to that  
3 collected driver's license fee; and

4 (d) an amount equal to fifty percent of  
5 the fees collected pursuant to Section 66-6-19 NMSA 1978;

6 (4) to the local governments road fund, the  
7 amount of the fees collected pursuant to Subsection B of  
8 Section 66-5-33.1 NMSA 1978 and the remainder of the fees  
9 collected pursuant to Subsection A of Section 66-5-408 NMSA  
10 1978;

11 (5) to the department:

12 (a) any amounts reimbursed to the  
13 department pursuant to Subsection C of Section 66-2-14.1 NMSA  
14 1978;

15 (b) an amount equal to two dollars  
16 (\$2.00) of each motorcycle registration fee collected pursuant  
17 to Section 66-6-1 NMSA 1978;

18 (c) an amount equal to the fees provided  
19 for in Subsection D of Section 66-2-7 NMSA 1978, Subsection E  
20 of Section 66-2-16 NMSA 1978, Subsections J and K of Section  
21 66-3-6 NMSA 1978 other than the administrative fee, Subsection  
22 C of Section 66-5-44 NMSA 1978 and Subsection B of Section  
23 66-5-408 NMSA 1978;

24 (d) the amounts due to the department  
25 pursuant to Paragraph (1) of Subsection E of Section 66-3-419

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1 NMSA 1978, Subsection E of Section 66-3-422 NMSA 1978 and  
2 Subsection E of Section 66-3-423 NMSA 1978; and

3 (e) an amount equal to the registration  
4 fees collected pursuant to Section 66-6-6.1 NMSA 1978 for the  
5 purposes of enforcing the provisions of the Mandatory Financial  
6 Responsibility Act and for creating and maintaining a  
7 multilanguage noncommercial driver's license testing program;

8 (6) to each New Mexico institution of higher  
9 education, an amount equal to that part of the fees distributed  
10 pursuant to Paragraph (2) of Subsection D of Section 66-3-416  
11 NMSA 1978 proportionate to the number of special registration  
12 plates issued in the name of the institution to all such  
13 special registration plates issued in the name of all  
14 institutions;

15 (7) to the armed forces veterans license fund,  
16 the amount to be distributed pursuant to Paragraph (2) of  
17 Subsection E of Section 66-3-419 NMSA 1978;

18 (8) to the children's trust fund, the amount  
19 to be distributed pursuant to Paragraph (2) of Subsection D of  
20 Section 66-3-420 NMSA 1978;

21 (9) to the state highway and transportation  
22 department, an amount equal to the fees collected pursuant to  
23 Section 66-5-35 NMSA 1978;

24 (10) to the state equalization guarantee  
25 distribution made annually pursuant to the general

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1 appropriation act, an amount equal to one hundred percent of  
2 the driver safety fee collected pursuant to Subsection D of  
3 Section 66-5-44 NMSA 1978;

4 (11) to the motorcycle training fund, two  
5 dollars (\$2.00) of each motorcycle registration fee collected  
6 pursuant to Section 66-6-1 NMSA 1978;

7 (12) to the highway infrastructure fund, all  
8 tire recycling fees collected pursuant to the provisions of  
9 Sections 66-6-1, 66-6-2, 66-6-4, 66-6-5 and 66-6-8 NMSA 1978;

10 (13) to each county, an amount equal to fifty  
11 percent of the fees collected pursuant to Section 66-6-19 NMSA  
12 1978 multiplied by a fraction, the numerator of which is the  
13 total mileage of public roads maintained by the county and the  
14 denominator of which is the total mileage of public roads  
15 maintained by all counties in the state; and

16 (14) to the litter control and beautification  
17 fund, an amount equal to the fees collected pursuant to Section  
18 66-6-6.2 NMSA 1978.

19 B. The balance, exclusive of unidentified  
20 remittances, shall be distributed in accordance with Section  
21 66-6-23.1 NMSA 1978.

22 C. If any of the paragraphs, subsections or  
23 sections referred to in Subsection A of this section are  
24 recompiled or otherwise re-designated without a corresponding  
25 change to Subsection A of this section, the reference in

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1 Subsection A of this section shall be construed to be the  
2 recompiled or re-designated paragraph, subsection or section. "

3 Section 3. EFFECTIVE DATE. --

4 A. The effective date of the provisions of Section  
5 1 of this act is July 1, 2003.

6 B. The effective date of the provisions of Section  
7 2 of this act is August 1, 2003.

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